

Message Text

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70

ORIGIN EB-07

INFO OCT-01 EUR-12 ISO-00 CAB-05 CIAE-00 COME-00 DODE-00

DOT-00 INR-07 NSAE-00 RSC-01 FAA-00 L-02 NSC-05 SS-15

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P R 272256Z NOV 74

FM SECSTATE WASHDC

TO AMEMBASSY THE HAGUE PRIORITY

INFO AMEMBASSY LONDON

AMEMBASSY BRUSSELS

AMEMBASSY OSLO

AMEMBASSY STOCKHOLM

AMEMBASSY COPENHAGEN

AMCONSUL ZURICH

AMEMBASSY BERN

UNCLAS STATE 262154

E.O. 11652: N/A

TAGS: EAIR, NL

SUBJECT: CIVAIR: KLM MOTION TO STAY CAB ORDER

REF: STATE 257681 AND PREVIOUS

1. KLM ON NOVEMBER 26 PRESENTED MOTION TO STAY CAB'S ORDER 74-11-83 REQUIRING KLM TO FILE ITS SCHEDULES WITH BOARD BY DECEMBER 2, 1974. ACCORDING TO ITS MOTION, KLM WILL FILE A PETITION FOR REVIEW WITH US COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA ON OR BEFORE DECEMBER 2, 1974 SEEKING TO HAVE THE COURT SET ASIDE CAB ORDER. HENCE MOTION TO STAY CAB ORDER IS TO PROVIDE COURT OPPORTUNITY
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TO REVIEW MATTER. KLM MOTION ALSO NOTES THAT IF CAB DOES

NOT GRANT STAY, KLM WILL APPLY DIRECTLY TO COURT OF APPEALS FOR STAY OF CAB ORDER.

2. THE KLM MOTION ARGUES INTERALIA THAT CAB ORDER VIOLATES TREATY OBLIGATIONS OF U.S. INsofar AS ARTICLES 12 AND 13 OF BILATERAL AGREEMENT PROVIDE FRAMEWORK FOR SETTling DIS-PUTES AS TO MEANing OF AGREEMENT-NOT UNILATERAL U.S. ACTION. IT ALSO ASSERTS THAT CAB ORDER VIOLATES SECTION

1102 OF FAA INsofar AS ACT REQUIRES CAB TO EXERCISE POWERS CONSISTENTLY WITH ANY INTERNATIONAL OBLIGATIONS OF U.S.

3. CAB DENIED KLM MOTION ON NOVEMBER 27. INGERSOLL

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Disposition Approved on Date:
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Disposition Date: 01 JAN 1960
Disposition Event:
Disposition History: n/a
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Disposition Remarks:
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